IN THE HIGH COURT OF PUNJAB & HARYANA CHANDIGARH

Criminal Revision No.2138 of 2007
Date of Decision: December 14, 2007

VIRENDER KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE A.N.JINDAL

Present: Mr. T.S.Sangha, Advocate,
for the petitoner.

Mr. Dinesh Arora, AAG, Haryana.

A.N.JINDAL, J

The court of Judicial Magistrate, Ist Class, Rewari vide judgment dated 11.06.07 convicted the accused petitioner (hereinafter referred to as the petitioner) under Section 279, 337 and 338 IPC and sentenced him to undergo RI for a period of 3 months and to pay a fine of Rs.1000/- under Section 338 IPC; SI for a period of one month and fine of Rs.500/- for the offence under Section 337 IPC and no sentence was passed under Section 279 IPC. His appeal was also dismissed. Hence this petition.

Without arguing the judgment of conviction, the petitioner has contended that he is Driver of Rajasthan Roadways and he has been suffering the agony of trial for the last 6 years. He is a public servant and he never intended to commit the said act. If the sentence is allowed to be

maintained then he may loose his job resultantly, he would be rendered as penniless and unable to support his children. While arguing further that he is ready to compensate the injured, he has sought indulgence of this Court on the quantum of sentence.

Heard.

While scrutinizing the judgments of both the courts below, nothing transpires to take a different view than which was taken by Additional Sessions Judge Rewari qua the conviction of the petitioner. The evidence as led by the prosecution appears to be appreciated in the right perspective, therefore, the judgment of conviction stands maintained.

It is revealed from the trial Court judgment that the convict is the first offender. It is also noticed that he has already suffered agony of the protracted proceedings for the last 6 years and he is a Government employee and also that he has already undergone one and half months of the substantive sentence, therefore, he must be a reformed man by now. The court is also impressed by the bona fide offer the petitioner that he is ready to compensate the injured. As such ends of justice would be met if the petitioner is extended the benefit the provisions of Section 4(1) of the Probation of Offenders Act.

Consequently, this revision petition is dismissed with the modification in the sentence to that he be released on probation on furnishing bail bond and surety

bond in the sum of Rs.5000/- undertaking to keep peace and be of good behaviour within a period of one year and in case of breach of peace he would be ready to serve the remaining part of sentence. The sentence of fine passed against him is converted into cost of litigation. He is also further directed to deposit a sum of Rs.5000/- for each injured namely Ramesh Yadav, Suman Yadav, Kamla Devi and Om Sagar within 3 months from today which will be payable to the injured on proper verification and identification. Failing to comply with the aforesaid direction, this petition shall be treated as dismissed.

Copy of the order be sent to the Chief Judicial Magistrate Rewari, for compliance.

(A.N.JINDAL)
JUDGE

December 14, 2007
Ruchika

To be referred to reporter: Yes/No